

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

V.

JAIME SILVA

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NO. 1:16-CR-32

**REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE
JUDGE ON THE DEFENDANT’S MOTION TO SUPPRESS EVIDENCE**

Pending is a Motion to Suppress Evidence (Doc. No. 25) filed by the Defendant, Jaime Silva (“Silva”).¹ The United States filed a brief in response to the Defendant’s motion (Doc. No. 27), and Silva filed a reply (Doc. No. 29). The undersigned magistrate judge heard testimony and oral argument on May 23, 2016. However, the parties later entered into a plea agreement as to Count One of the Information filed on June 23, 2016. (Doc. Nos. 34, 38, 40.) At the hearing held on June 23, 2016, the Defendant entered a plea of guilty and stipulated to withdrawing his Motion to Suppress Evidence as moot. Therefore, it is recommended that the Defendant’s Motion to Suppress Evidence (Doc. No. 25) be **DENIED** as moot, subject to reassertion if the plea agreement is rejected.

Pursuant to 28 U.S.C. § 636(b)(1)(c) (Supp. IV 2011), each party to this action has the right to file objections to this report and recommendation. Objections to this report must (1) be in writing, (2) specifically identify those findings or recommendations to which the party objects, (3) be served and filed within fourteen (14) days after being served with a copy of this report, and (4) no more than eight (8) pages in length. See 28 U.S.C. § 636(b)(1)(c); FED R. CIV. P. 72(b)(2); Local Rule CV-

¹ This motion is referred to the undersigned United States magistrate judge for review, hearing if necessary, and submission of a report with recommended findings of fact and conclusions of law. United States v. Raddatz, 447 U.S. 667, 681-84 (1980); see also 28 U.S.C. § 636(b)(1)(B) and Local Rules for the Assignment of Duties to United States Magistrate Judge.

72(c). A party who objects to this report is entitled to a *de novo* determination by the United States District Judge of those proposed findings and recommendations to which a specific objection is timely made. See 28 U.S.C. § 636(b)(1)(c); FED R. CIV. P. 72(b)(3).

A party's failure to file specific, written objections to the proposed findings of fact and conclusions of law contained in this report, within fourteen (14) days of being served with a copy of this report, bars that party from: (1) entitlement to *de novo* review by the United States District Judge of the findings of fact and conclusions of law, (see Rodriguez v. Bowen, 857 F.2d 275, 276–77 (5th Cir. 1988)), and (2) appellate review, except on grounds of plain error, of any such findings of fact and conclusions of law accepted by the United States District Judge. See Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428–29 (5th Cir. 1996).

SIGNED this 27th day of June, 2016.



Zack Hawthorn
United States Magistrate Judge